

**R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

**RE: INFORMATION DISCLOSURE STATEMENT (IDS)**

\_\_\_\_ It is respectfully requested that the Examiner provide a signed and initialed copy of the IDS Form submitted with the IDS filed on August 3, 2009, in order to indicate that all of the documents cited in therein have been considered and made of record.

**THE CLAIMS**

\_\_\_\_ Independent claims 8 and 21, have been amended to incorporate subject matter of (now canceled) claim 10, as well as to recite that the non liquid-permeable nonwoven fabrics are adhered to the flat folding portions so as to form flat root portions of the three-dimensional gathers along both side portions in the longitudinal direction of the absorbent body, and to recite that the three-dimensional gathers are raised from the flat root portions along both side portions in the longitudinal direction of the absorbent body. See, for example, the disclosure in Figs. 10-12 and in paragraph [0105] at pages 59-60 of the specification.

In addition, claim 9 has been amended to better accord with amended claim 8, and claim 11 has been amended to depend from

claim 9. Still further, claim 12 has been amended to directly depend from and to better accord with claim 8.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

THE PRIOR ART REJECTION

Claims 8-11 and 21 were again rejected under 35 USC 103 as being obvious in view of previously cited WO 01/10372 ("Datta et al"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

Significantly, according to the present invention as recited in amended independent claims 8 and 21, an absorbent article is provided wherein a backsheet includes folding portions which are folded up to a topsheet side along both side portions in a longitudinal direction of an absorbent body, a part of each of the folding portions is adhered to the topsheet at a corresponding attachment portion to be flat along both side portions in the longitudinal direction of the absorbent body, wherein the topsheet includes adhesion sections along both side portions in the longitudinal direction of the absorbent body at each of which the corresponding attachment portion of the topsheet is folded up to the topsheet side and adhered to the topsheet, wherein non liquid-permeable nonwoven fabrics are

adhered to surfaces that are opposite to surfaces of the folding portions that face the topsheet to form the three-dimensional gathers, wherein the non liquid-permeable nonwoven fabrics are adhered to the flat folding portions so as to form flat root portions of the three-dimensional gathers along both side portions in the longitudinal direction of the absorbent body, and wherein the three-dimensional gathers are raised from the flat root portions along both side portions in the longitudinal direction of the absorbent body.

With the structure of the absorbent article of the claimed present invention, since the non liquid-permeable nonwoven fabrics are adhered to the flat folding portions so as to form flat root portions of the three-dimensional gathers, and since the three-dimensional gathers are raised from the flat root portions along both side portions in the longitudinal direction of the absorbent body, advantageous effects are produced whereby rising edges as root portions of the three-dimensional gathers are securely fixed to the topsheet, and whereby the gathers are firmly raised with sufficient height.

In addition, with the structure of the claimed present invention, since the root portions of the gathers are fixed (at an inner side from lateral edges), expansion in the lateral direction is prevented. As a result, another advantageous effect is produced whereby the three-dimensional gathers can be

prevented from protruding from a conveyer line and can be conveyed easily.

Still further, with the structure of the absorbent article of the claimed present invention, since the backsheet covers the absorbent body so as to cover the bottom face of the absorbent body, the side faces thereof, and parts of the upper face of the absorbent body, the root portions of the three-dimensional gathers are structured in a three-dimensional manner by the non-liquid permeable backsheet. As a result, yet another advantageous effect is produced whereby body fluid pressed out of the absorbent body can be prevented from being leaked or oozed out from the root portions of the three-dimensional gathers when the pad receives pressure from the body of the user. See paragraph [0103] on pages 58-59 of the specification.

It is respectfully submitted that Datta et al does not achieve or render obvious the above described claimed features and effects of the present invention as recited in amended independent claims 8 and 21.

On page 4 of the Office Action, the Examiner asserts that "Datta discloses locations 52 shown in Fig. 4 where the side flaps 40 including the folding portions of backsheet 30 are bonded to themselves and discloses that alternatively they can be bonded to the topsheet." Therefore, according to the Examiner, "it would be readily apparent to one of ordinary skill in the art

to use those same locations 52 as locations for bonding the side flap with said folding portion to the topsheet rather than to itself." Still further, on page 5 of the Office Action, the Examiner asserts that "[t]he adhesion of the folding portion to the topsheet rather than the rest of the gather will necessarily form flat portions along the side portions."

It is respectfully submitted, however, that, at best, only the locations 52 of Datta et al can be considered to correspond to the flat folding portions, and more specifically, the flat root portions of the claimed present invention. That is, it is respectfully submitted that the portion between the locations 52 along the side edges in the longitudinal direction of the absorbent pad 20 of Datta et al cannot be considered to correspond to the flat root portions of the claimed present invention.

In addition, even if the locations 52 of Datta et al were considered to correspond to the flat root portions of the claimed present invention, it is respectfully pointed out that the locations 52 of Datta et al do not show parts which rise from the flat portions formed by side flaps being folded onto themselves (or to the topsheet). By contrast, the three-dimensional gathers of the claimed present invention rise from the flat root portions along both side portions in the longitudinal direction of the absorbent body.

That is, at the locations 52 of Datta et al, the entire width of the side flaps are adhered onto themselves (or to the topsheet). See Fig. 3 of Datta et al. It is respectfully submitted, however, that Datta et al does not disclose or suggest that the side flaps thereof rise from the flat portions (52), as according to the three-dimensional gathers of the claimed present invention which rise from the flat root portions formed along both side portions in the longitudinal direction of the absorbent body. In addition, it is respectfully pointed out that the rising flaps 40 in Fig. 11 of Datta et al do not rise from any flat root portions. And it is respectfully submitted that the structure disclosed in Datta et al cannot produce the above described advantageous effects of leakage prevention that are achieved by the structure of the three-dimensional gather of the claimed present invention.

Accordingly, it is respectfully submitted that Datta et al does not achieve or render obvious the features of the present invention as recited in amended independent claims 8 and 21 whereby non liquid-permeable nonwoven fabrics are adhered to surfaces that are opposite to surfaces of the folding portions that face the topsheet to form the three-dimensional gathers, whereby the non liquid-permeable nonwoven fabrics are adhered to the flat folding portions so as to form flat root portions of the three-dimensional gathers along both side portions in the

longitudinal direction of the absorbent body, and whereby the three-dimensional gathers are raised from the flat root portions along both side portions in the longitudinal direction of the absorbent body.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claims 8 and 21, and claims 9, 11 and 12 depending from claim 8, clearly patentably distinguishes over Datta et al under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

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